

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

Darren Turner on behalf of himself and all  
others similarly situated,

Plaintiffs,

v.

Civil Action No. 2:16-cv-02864-DCN

BFI Waste Services, LLC d/b/a Republic  
Services; Republic Services of South Carolina,  
LLC d/b/a Republic Services; and Republic  
Services, Inc.,

Defendants.

**DEFENDANTS' PARTIAL MOTION FOR SUMMARY JUDGMENT  
ON PLAINTIFF'S REGULAR RATE CLAIM**

Defendants BFI Waste Services, LLC, (incorrectly named as “d/b/a Republic Services”), Republic Services of South Carolina, LLC (incorrectly named as “d/b/a Republic Services”), and Republic Services, Inc. (collectively “Defendants” or “Republic”), by and through their attorneys and pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 7.01, hereby move this Court to grant summary judgment in their favor as to the regular rate claim asserted by Plaintiff Darren Turner (“Plaintiff” or “Turner”).<sup>1</sup>

Turner, a current residential waste disposal driver for Republic, brings this lawsuit under the Fair Labor Standards Act (“FLSA”), alleging that Republic failed to pay him overtime at a

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<sup>1</sup> Republic moves for summary judgment on the regular rate claim only as to Darren Turner, the named/lead plaintiff in this case. In addition to his regular rate claim, Turner also brings a claim under the FLSA alleging that Republic improperly deducted 30 minutes for meal breaks that he and other waste disposal drivers did not take, and a claim under the South Carolina Payment of Wages Act, alleging that Republic made deductions or withheld wages related to safety awards without providing required advance notice of such deductions. Republic seeks summary judgment at this time only as to Turner’s FLSA regular rate claim, not the FLSA off-the-clock claim or South Carolina Payment of Wages Act claim.

rate not less than one and one-half times his regular rate of pay (the “regular rate claim”). As set forth more fully in Defendants’ Memorandum of Law in Support of Their Partial Motion for Summary Judgment on Plaintiff’s Regular Rate Claim and its supporting declarations and evidence, Turner was paid overtime compensation in accordance with the FLSA as a matter of law, and Republic’s motion for partial summary judgment should be granted.

WHEREFORE, Republic respectfully requests that the Court grant its Partial Motion for Summary Judgment and dismiss Plaintiff Darren Turner’s regular rate claim under the FLSA.

DATED: October 19, 2016

Respectfully submitted,

OGLETREE, DEAKINS, NASH, SMOAK,  
AND STEWART, P.C.

By: /s/ Benjamin P. Glass

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